

In re Patent Application of:

DUELLI ET AL

Serial No. 10/098,585

Filed: 03/15/2002

Remarks

Claims 1-6 are pending in this application.

It is pointed out in the office action mailed January 16, 2004 that the declaration filed on December 9, 2003 under CFR 1.131 has been considered but is ineffective to overcome the Reed et al. reference, and that the evidence submitted is insufficient to establish a reduction to practice of the invention in this country or a NAFTA or WTO member country prior to the effective date of the Reed et al reference.

Attached is a declaration under 37 CFR 1.131 stating that prior to February 17, 2001 the claimed invention was conceived by the inventors of this application in the United States and was reduced to practice in the United States prior to February 17, 2001. Attached to the declaration under 37 CFR 1.131 are exhibits A through H which corroborate that the invention was reduced to practice in the United States in September of 2000 prior to the effective date of the Reed et al. reference.

In view of this, it is respectfully submitted that Reed is not a citable reference and all of the claims remaining in the application are in condition for allowance. The cited Ukrainczyk reference alone is not relevant to the patentability of the claims.

Early and favorable consideration would be appreciated.

Should any minor informalities need to be addressed, the Examiner is encouraged to contact the undersigned attorney at the telephone number listed below.


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Please charge any shortage in fees due in connection with the filing of this paper, including Extension of Time fees, to Deposit Account No. 50-1465 and please credit any excess fees to such deposit account.



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April 14, 2004
Date

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CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop Non-Fee Amendment, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450, on this 14 day of April, 2004.

